IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 23203 of 2006(K)

PETITIONER:

T.K.SASI, CHIEF ENGINEER,
IRRIGATION & ADMINISTRATION (UNDER SUSPENSION),
THICHAMPULLY HOUSE, CHEMBUKKAVU, THRISSUR.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SMT.C.V.RAJALAKSHMI
SRI.K.K.RAJEEV
SRI.J.S.AJITHKUMAR

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY,
WATER RESOURCES (A) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM.

Addl.3. K.N.RAGHAVAN, SON OF NARAYANAN,
AGED 68, RESIDING AT TC.16/421, EVRRA NO.445,
THYCAUD, THIRUVANANTHAPURAM.

(Impleaded as per order in IA.No.453/2007 dtd.10-1-2007)

R1 & 2 BY GOVT. PLEADER SHRI.N.MANOJKUMAR.
Addl.R3 BY SHRI.J.S.AJITHKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.23203/2006.

Petitioner's Exhibits:-

P1: Copy of the Order GO(Rt).No.204/2006/WRD dated 17-2-2006.

P2: Copy of the Order GO(Rt).No.220/2006/WRD dated 20-2-2006.

P3: Copy of the judgment dated 26-5-2006 in WP(C).No.13037/2006.

P4: Copy of the judgment dated 12-6-2006 in WA.No.1016/2006.

P5: Copy of the order GO(Rt).No.928/06/WRD dated 18-8-2006.

P6: Copy of the enquiry report of the Addl.Director General of Police dated 3-5-2006.

Respondents' Exhibits:- **Nil.**

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).No.23203 OF 2006-K.
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Dated this the 2nd day of March, 2007.

J U D G M E N T

The petitioner belongs to the cadre of Chief Engineer in the Water Resources Department. He is now under suspension pursuant to Ext.P1 proceedings dated 17-2-2006 issued by the 1st respondent. The petitioner filed a petition to review the order of suspension. But the review petition was rejected as per Ext.P5 order. Challenge is to Exts.P1 and P5 orders.

2. Various contentions have been raised in the Writ Petition (C) attacking Exts.P1 and P5 as arbitrary, illegal, malafide, etc. At the time of hearing, the learned counsel for the petitioner invites my attention to the statement filed on behalf of the 2nd respondent saying that the Government have taken a decision on 14-8-2006 to conduct vigilance enquiry into the allegations against the petitioner and a special investigation unit has been authorised

to conduct the enquiry. Some of the witnesses have been interrogated by the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau and a report has been submitted for the consideration of the Government. Finally it is stated as follows:

> "After scrutinizing the enquiry report and also on the basis of the report of the legal advisor, the Director submitted report to the Government recommending for a Tribunal Enquiry. It is respectfully submitted that now the Government has to take action on the basis of the report submitted by the second respondent, Director."

Counsel submits that since the matter is now under the consideration of the Government, this Court may direct the 1st respondent to take early decision on the report so that, the necessity to keep the petitioner under suspension can be effectively considered by the Government depending upon the decision to be take pursuant to the deliberation referred to in the statement.

3. Heard Government Pleader appearing for respondents 1 and 2.

4. In the light of the submissions made above, I do not consider it necessary to examine the merit

of the contentions urged in this writ petition nor the merit of the counter statements made on behalf of the respondents. It is only appropriate that the 1st respondent expedites the consideration of the report filed by the Director of Vigilance and Anti Corruption Bureau and takes early decision. Since the petitioner has been under suspension, I fix a time limit of three weeks from the date of receipt of a copy of this judgment for the Government to take decision as stated above. Based on that decision, the request of the petitioner to reinstate him in service shall be considered and a speaking order passed within two weeks thereafter.

With the above directions the writ petition is disposed of.

K.K.DENESAN, JUDGE.

kvs/-